

**TWENTY-FIRST DAY**

(Tuesday, February 16, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Wilson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Wilson was granted leave of absence for today on account of important business on motion of Senator Mauzy.

**Reports of Standing Committee**

Senator McKool submitted the following reports for the Committee on Privileges and Elections:

S. B. No. 314.

S. B. No. 70 (Amended).

S. B. No. 150.

**Senate Bills and Resolution on First Reading**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Creighton:

S. B. No. 335, A bill to be entitled "An Act relating to conforming certain definitions and administrative provisions of the Certificate of Title Act to the Business and Commerce Code; amending Sections 3, 5, 6, 33, 35, 41, and 42, adding Section 65, and repealing Sections 43, 44, 45, and 46, Certificate of Title Act (Article 1436-1, Vernon's Texas Penal Code), and declaring an emergency."

To Committee on Jurisprudence.

By Senators Jordan, Wallace, Brooks and Schwartz:

S. B. No. 337, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to establish, maintain, and operate System Nursing Schools as branches of The University of Texas Nursing School (System-wide); providing for severability; repealing all laws in conflict; and declaring an emergency."

To Committee on State Affairs.

By Senators Moore, Connally and Brooks:

S. B. No. 338, A bill to be entitled "An Act relating to creation of the Real Estate Research Center at Texas A&M University; increasing the fees for certain real estate license renewals and providing for disposition of the fees; amending Sections 22 and 24 of the Real Estate License Act, as amended (Article 6573a, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency."

To Committee on State Affairs.

By Senator Harrington:

S. B. No. 339, A bill to be entitled "An Act relating to the fees to be paid to the Board of Barber Examiners for renewal and issuance of certificates of registration and examinations; amending Subsection (G) of Section 3, Subsections (f) and (h) of Section 9, Sections 20, 20a, and 23, and adding Section 23a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code); and declaring an emergency."

To Committee on State Departments and Institutions.

By Senators Mauzy, Hightower and Word:

S. B. No. 340, A bill to be entitled "An Act effecting reform in the trial of civil actions; establishing a system of comparative negligence and abolishing contributory negligence as a bar to recovery under certain conditions in civil suits by providing for recovery of damages on the basis of comparison of causal negligence; providing for the necessary procedures relative to instructions to the Jury by the court of the law, the burden of proof, the effect of their answers and submission of issues; rendering of verdicts by a majority of nine members concurring; and the contribution to the award of damages in case of multiple defendants, repealing all laws in conflict therewith including Article 2212, Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 341, A bill to be entitled "An Act validating elections and other proceedings relating to the authorization, execution, and delivery of water supply contracts pursuant to the provisions of Chapter 342, Acts of the 51st Legislature, 1949 (Article 1109e, Vernon's Texas Civil Statutes), under certain conditions; providing for the execution, delivery and validity of such contracts, limiting the application of the Act; and declaring an emergency."

To Committee on Water and Conservation.

By Senator Bates:

S. B. No. 342, A bill to be entitled "An Act relating to temporary permits for certain commercial motor vehicles; amending Sections 1 and 2, Chapter 517, Acts of the 58th Legislature, 1963 (Article 6675a-6c, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Transportation.

By Senator Blanchard:

S. B. No. 343, A bill to be entitled "An Act amending Article 6472a, Vernon's Texas Civil Statutes, providing for the taking of written and oral depositions in matters pending before the Railroad Commission of Texas, or any division thereof, in accordance with the provisions of the Texas Rules of Civil Procedure, as amended;

repealing Article 6472b, Vernon's Civil Statutes, and all other laws in conflict herewith; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Kennard:

S. B. No. 344, A bill to be entitled "An Act concerning the profession of physical therapy, requiring licensure of physical therapists, establishing a Board of Physical Therapy Examiners, establishing educational and training requirements for physical therapists, and declaring an emergency."

To Committee on State Affairs.

By Senator Creighton:

S. C. R. No. 23, Granting permission to the Eastland National Bank to sue the State of Texas.

To Committee on Jurisprudence.

Co-authors of Senate Bill 338

On motion of Senator Moore, and by unanimous consent, Senators Brooks and Connally will be shown as Co-authors of S. B. No. 338.

#### Message From the House

Hall of the House of Representative  
Austin, Texas,  
February 16, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 40, Condemning in the strongest terms the repressive and cruel treatment of American and Allied prisoners in North Vietnam.

S. C. R. No. 24, Inviting Governor Smith to address a Joint Session of the Texas Legislature on February 18, 1971.

H. B. No. 102, A bill to be entitled "An Act amending Sections 1 and 2, Chapter 447, Acts of the 58th Legislature, 1963 (Article 29d, Vernon's Texas Civil Statutes), relating to the date on which the federal decennial census is to be recognized and acted upon by the state and its agencies and political subdivisions; and declaring an emergency."

H. B. No. 332, A bill to be entitled "An Act amending Section 3 of Article 913, Texas Penal Code, as amend-

ed, to permit the Parks and Wildlife Department to prescribe rules applying to propagation in captivity of protected species, and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committee

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

S. B. No. 229.

S. B. No. 269.

S. B. No. 341 (Floor Report.)

#### Message From the Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

Mr. Speaker of the House, Mr. President of the Senate, Members of the 62nd Legislature, Ladies and Gentlemen . . . In my message to you on January 20, I made mention of the looming water shortage in our State.

I advised you that the Texas water problem was of such grave nature that it would be the subject of special attention.

For this purpose I submit this message to you today.

In my initial message to you, I recommended immediate action on two critically urgent facets of the Texas water problem.

I am extremely gratified that you have already voted on these important matters. You have, by passage of SJR 17, on February 5, provided that a constitutional amendment be put to the voters of Texas on May 18, 1971 to establish a 6% interest ceiling on water development bonds and to provide an additional \$100 million in bonds for water quality enhancement, sewage treatment facilities, as assistance to local and regional entities.

Successful adoption and implementation of this Constitutional Amendment, an important part of our State's responsibilities in water development, will provide immediate funds for Texas to move forward in solving our water problems.

Constitutional adjustment of the interest ceiling limitation will allow the sale of \$100 million of water develop-

ment bonds. These bonds would provide funds which must be used to assist local communities, regional areas and river basin agencies in financing urgently needed water projects, and I cite, for example, water supply projects, municipal and regional water distribution systems, and purchase of storage in reservoirs on our major rivers in order that they can be constructed to provide optimum capacity.

Along with increasing the interest rate ceiling on the present water development bonds there is a demanding need to provide additional uses of the fund so we can begin a true water action program for Texas now.

It is necessary that the State perform the function of monitor and recognize all of these as integral aspects of environmentally sound water development.

Constitutional authorization of \$100 million in waste treatment facility construction bonds will provide Texas' matching share and will insure Federal matching funds already allocated to eligible states as grants to local and regional entities for urgently needed waste treatment facilities and water reuse projects.

The immediate construction of water supply projects and water reuse projects will contribute significantly to increasing the utilization of our present water supplies and improving the environment in which we live. I urge your support and your recommendation to your constituents that this vital "clean water amendment" be overwhelmingly endorsed on May 18, 1971.

In connection with water resource development, I call to your attention the fact that heretofore the voters of Texas have approved the issuance of an additional \$200 million in water development bonds. These, however, have not yet been legislatively authorized by you. I urge you to accelerate an action-now water program in Texas by making these \$200 million available as an emergency measure to the Texas Water Development Fund for high priority water supply construction projects.

At the same time I recommend abolishing the restriction which limits the amount of money which can be provided by the fund to a single project. This would permit the State to participate in projects at a level commensurate with optimum and sound development. Certainly these funds will be needed to assist local and re-

gional entities in constructing water development projects in the very near future, if Texas is to move ahead on water resource development.

Let me digress for just a moment to reemphasize my convictions concerning the Texas water program. Let me say to you here and now—I stand for and have always advocated the sound and orderly development of the water resources of this State—All of Texas—and I submit that the total efforts in this direction must be pursued on a practical, sound, and realistic basis.

I am fully aware that the solutions to the many problems of vastly different areas of Texas appear to be difficult and extremely complex. Nevertheless, the objectives are very simple—to provide adequate supplies of clean water to all users in Texas now and in the future at the lowest possible economic and social cost to the taxpayers, to the users now and to those in the future. Although our objectives are simple, the means for accomplishing them are extremely complex. Our Texas Water Program must have some flexibility, acknowledging the possibility that all conditions and requirements are subject to change.

Without question, Texas has made great strides in its water development program over the past decade. We have capable water agencies at State, regional and local levels, which are working to solve the many problems attendant to providing these adequate supplies of good water. Money, of course, is a prime requisite, but there are also monetary needs in Texas for so many other functions, obligations, and responsibilities of our State government.

In my budget message to this Legislature I recommended holding the line on expenditures by State agencies, including those concerned with a State water program. This measure must not be construed to mean that I advocate any reduction or lessening in the effort of the overall Texas water program.

We must continue and in fact accelerate the implementation of the total water resources of this State by orderly development of available supplies and reuse of the existing supply. In this regard we must make use of—at the State level of government—the talents, knowledge, and professional experience of local and regional agencies to the fullest extent

in order to reach the goals we have already established.

Let us all—I implore you—work together in this direction.

Now I would invite your attention to two matters—Federal matters which are directly related to our Texas water program.

I call your specific attention to a situation which has developed recently and which may well jeopardize future water project financing in Texas if relief is not forthcoming. A recent income tax ruling has initiated uncertainty in the realm of water facilities projects. The Federal Revenue and Expenditure Control Act of 1968 should be amended in order to restore water facilities to the historical classification as a public function. I would urge you to convey this serious matter to the Texas delegation in Congress by joint resolution.

I call your attention to another very serious matter, the implications of certain proposed federal land use policy legislation now being considered by Congress. We must begin now to address ourselves to the recognition of Texas' land use planning responsibility as it relates to all planning activities of the State, especially water resource development. Here again, I would urge you to convey to the Texas delegation in Congress our interest and concern in the proposed land use planning legislation with the request that our State's views be considered and included in any proposed Congressional land and water use planning legislation.

And now, let us come back to the present dilemma of getting on with a sound program for the development of Texas' water resources. There are many other matters and facets of water development that require and will continue to demand our very best collective thinking. You will have before you during this session many bills—many bills have already been introduced—many proposed solutions to the water development and environment enhancement problems of our State. You will be called on to deliberate on matters of solid waste disposal, septic tank regulation, pollution abatement, environmental protection, creation of new agencies, consolidation of existing agencies, and on and on. I do not recommend pro or con on any of these measures at this stage, yet I am fully aware that they, of necessity, must be considered in time by you and by me. I implore

you to consider these matters most seriously and cautiously.

It would be superfluous for me to point out to you the inherent dangers of hasty actions, the consequences of which have not been fully considered.

In dealing with measures designed to protect the quality of environment, it is my belief that our greatest need is for the definition of an environmental policy for Texas. Such a policy should establish a center of conviction to be used to guide state agencies as they deal with problems of our State's environment. At this point in time, I suggest that the definition of such a policy and the improved coordination of existing agencies and programs is preferable to creating a new super-agency to deal with environmental issues.

In this regard, I pledge to you my utmost help in finding the right and most acceptable solutions to these and all other water related matters.

President Nixon, in his proposed budget for the coming year, is recommending funding for continuation of studies to determine availability of surplus water in the Mississippi River and for its importation into Texas and New Mexico as envisioned in the Texas Water Plan. The first preliminary findings of the Mississippi River Commission's study are expected to be released this year. Information reaching me is that the findings will show there is surplus water in the Mississippi. I support the continuation of these studies by the U.S. Army Corps of Engineers and the Bureau of Reclamation and urge the close cooperation of the Texas Water Development Board, the Texas Water Quality Board and the Texas Water Rights Commission with these federal agencies.

In proceeding with in-state development of our water resources, I feel the time has come for us to implement many years of planning. We need desperately to begin a land acquisition program for reservoir sites. Land costs are continuing to rise and we are losing reservoir sites each year because of inflation and piecemeal development.

Along with land acquisition I suggest an immediate program of construction for vitally needed reservoirs. By moving ahead as fast as possible in the State, we can develop, in an orderly manner, an integrated system that will enable us to take full advantage of any source of water out-

side our state when it becomes available.

I appreciate having had the opportunity to send this water message to you, and I will close with this thought. Water is our life's blood. A decent environment means in the final analysis good water, ample water, clean water; and our waters can never be clean and ample unless full consideration is given at the same time to clean air and clean land. These three—land, air, water—are fixedly interrelated, and our attack on the continued degradation of all three must be carried out simultaneously. Land, air, water—the first letters which spell LAW; the preservation of these is so vitally important to all of us today.

So to you, the lawmakers, I say act wisely to preserve, protect, and develop our priceless natural resources of land, air, and water and the products which flow therefrom—our soil, minerals, food, and life itself, the things which contribute to a healthy, happy Texas.

Let us work together to the end that future generations of our citizens will have abundant supplies of clean water for all beneficial uses so important to the continued viability of our great State and so much a part of the enhancement and well-being of our people.

#### Messages From the Governor

The following messages received from the Governor were read and referred to the Committee on Nominations:

Austin, Texas,  
February 16, 1971.

To the Senate of the Sixty-second Legislature.

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the Commission for Indian Affairs: For a six-year term to expire January 31, 1977: Victor B. Fain of Nacogdoches, Nacogdoches County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

Austin, Texas,  
February 16, 1971.

To the Senate of the Sixty-second Legislature.

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Tuberculosis Nurse Examiners: For a six-year term to expire March 12, 1976: Mrs. Joyce Herd of Dallas, Dallas County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

Austin, Texas,  
February 16, 1971.

To the Senate of the Sixty-second Legislature.

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Highway Commission: For a six-year term to expire February 15, 1977: Charles E. Simons of Dallas, Dallas County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

Austin, Texas,  
February 16, 1971.

To the Senate of the Sixty-second Legislature.

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the State Commission for the Blind: For six-year terms to expire January 1, 1977: Thurman Dobbins of Austin, Travis County; Irving M. Axelrod, of Houston, Harris County.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

**Senate Bill 341 Ordered Not Printed**

On motion of Senator Schwartz and by unanimous consent, S. B. No. 341 was ordered not printed.

**Senate Bill 91 on Second Reading**

Senator Moore moved that Senate Rules 13 and 110 be suspended and that S. B. No. 91 be taken up for consideration at this time.

The motion prevailed.

The President Pro Tempore laid

before the Senate on its second reading and passage to engrossment:

S. B. No. 91, A bill to be entitled "An Act authorizing all State Agencies and Institutions to make advance payments to Federal and State Agencies for merchandise purchased from such agencies when advance payments will expediate the delivery of the merchandise; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 91 on Third Reading**

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Wilson

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 183 on Second Reading**

Senator Bates moved that Senate Rules 13 and 110 be suspended and that S. B. No. 183 be taken up for consideration at this time.

The motion prevailed.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 183, A bill to be entitled "An Act amending Statutes relating to highways, the equipment to be operated thereon and rules of the road, etc.; and declaring an emergency."

The bill was read second time.

Senator Bates offered the following Committee Amendment to the bill:

Amend Senate Bill 183, Section 5(d), page 3, line 27, to read as follows: "under a lease not intended as security."

The Committee Amendment was read and was adopted.

Senator Bates offered the following Committee Amendment to the bill:

Amend Senate Bill 183, Section 24, page 10, line 8 to read as follows:

"(b) The foregoing limitations shall not apply upon a one-way roadway, nor to any driver of a vehicle turning left into or from an alley, private road, or driveway."

The Committee Amendment was read and was adopted.

On motion of Senator Bates and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

(President in Chair.)

#### Senate Bill 183 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 183 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring
Christie	Hightower

Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Word
Ratliff	

Nays—1

Patman

Absent—Excused

Wilson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Word
Herring	

Nays—1

Patman

Absent—Excused

Wilson

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
February 16, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 378, A bill to be entitled "An Act relating to the use of a .22 caliber jetgun or rocketgun in the taking or shooting, or in attempting to take or shoot, certain wild animals; amending Section 1, Chapter

583, Acts of the 59th Legislature, Regular Session, 1965 (Article 879h-6, Vernon's Texas Penal Code); and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 341 on Second Reading

Senator Schwartz moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 341 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

#### Absent—Excused

Wilson

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 341, A bill be be entitled "An Act validating elections and other proceedings relating to the authorization, execution, and delivery of water supply contracts, etc., and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 341 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 341 before the Senate

on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

#### Absent—Excused

Wilson

#### Motion to Place Senate Bill 13 on Second Reading

Senator McKool moved that Senate Rules 13 and 110 be suspended and that S. B. No. 13 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

#### Yeas—19

Aikin	Kothmann
Beckworth	Mauzy
Bridges	McKool
Brooks	Patman
Hall	Ratliff
Harrington	Schwartz
Herring	Snelson
Hightower	Wallace
Jordan	Watson
Kennard	

#### Nays—10

Bates	Grover
Bernal	Harris
Christie	Moore
Connally	Sherman
Creighton	Word

#### Absent

Blanchard

#### Absent—Excused

Wilson



**Senate Joint Resolution 16 on  
Second Reading**

Senator Kennard moved that Senate Rules 13 and 110 be suspended and that S. J. R. No. 16 be taken up for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 16, Proposing an amendment to Article I of the Texas Constitution by adding a new section to be known as Section 3a, providing that equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.

The resolution was read second time and was passed to engrossment.

**Senate Joint Resolution 16 on  
Third Reading**

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

**Absent—Excused**

Wilson

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

**Absent—Excused**

Wilson

**Senate Bill 188 on Second Reading**

Senator Moore moved that Senate Rules 13 and 110 be suspended and that S. B. No. 188 be taken up for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 188, A bill to be entitled "An Act relating to the amount of money a convict is entitled to receive from the State of Texas at the time of release or discharge from the state penitentiary, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 188 on Third Reading**

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring
Christie	Hightower

Jordan	Ratliff
Kennard	Schwartz
Kothmann	Sherman
Mauzy	Snelson
McKool	Wallace
Moore	Watson
Patman	Word

Absent—Excused

Wilson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
February 16, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 228, A bill to be entitled "An Act providing for the creation of the San Augustine City-County Hospital District, with boundaries co-extensive with those of San Augustine County, Texas, etc.; and declaring an emergency." (With Amendments.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 228 With House Amendments

Senator Beckworth for Senator Wilson called S. B. No. 228 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend S. B. 228 to strike all of Subsection (d) of Section 3 and substitute the following:

(d) At such time as the creation of the District is approved and the returns of the election officially canvassed, the persons then serving as temporary directors shall become permanent directors and shall execute the constitutional oath of office as

such. The three directors initially appointed by the governing body of the City of San Augustine shall draw by lot to determine which two are to serve for a term of two years and which one for a term of one year. In the same manner, the three directors initially appointed by the Commissioners Court of San Augustine County shall draw by lot to determine which two are to serve for a term of two years and which one for a term of one year. The director initially appointed by the Commissioners Court and the governing body of the City of San Augustine, acting together as an appointive body, shall automatically be accorded a term of two years. Thereafter, at the expiration of each term of office of the members so appointed to serve as directors of the District, the Commissioners Court and the governing body of the City of San Augustine and the two groups acting together as an appointive body shall each respectively make, and continue to make, similar appointments for a term of office of two years each. Any vacancy occurring during the term of office of any member, whether by resignation or by death, shall be filled for the unexpired portion of such term by the particular appointive body previously making the appointment of the resigning or deceased member. Each member of the Board of Directors shall execute a good and sufficient bond for the amount of \$1,000 payable to said District conditioned upon the faithful performance of his duties, and each bond shall be purchased at the expense of the District.

#### Committee Amendment No. 2

Amend Section 4A by striking out the words "property-taxpaying" in line 6 and line 11.

#### Committee Amendment No. 3

Amend Section 4B by striking out the words "property-taxpaying" in line 2 and line 9.

#### Committee Amendment No. 4

Amend Section 4D by striking out the words "property-taxpaying" in line 3.

#### House Amendment No. 5

Amend Section 5 of S. B. 228 by striking the words "and treatment" on line 47 of Section 5.

The House amendments were read.  
 Senator Beckworth for Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

## Absent—Excused

Wilson

## House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 102, To Committee on County, District and Urban Affairs.

H. B. No. 332, To Committee on Parks and Wildlife.

H. B. No. 378, To Committee on Parks and Wildlife.

## Senate Concurrent Resolution 27

By unanimous consent, Senator Kennard offered the following resolution:

S. C. R. No. 27, Memorial resolution for Monroe Odom.

KENNARD  
 CREIGHTON

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, and Word.

The resolution was read.

On motion of Senator Kennard and

by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Kennard the resolution was adopted by a rising vote of the Senate.

## Memorial Resolutions

S. R. No. 365—By Senator Mauzy: Memorial resolution for Mrs. Leo (Vivian) Cutaia, Jr.

S. R. No. 366—By Senator Blanchard: Memorial resolution for Neal Estes.

S. R. No. 367—By Senator Schwartz: Memorial resolution for Mike Mitchell.

S. R. No. 372—By Senator Watson: Memorial resolution for M. L. David.

S. R. No. 373—By Senator Watson: Memorial resolution for Emmett Moon.

S. R. No. 374—By Senator Watson: Memorial resolution for Wilbert Kattner.

S. R. No. 375—By Senator Watson: Memorial resolution for Mrs. R. E. (Bill) Henderson.

S. R. No. 376—By Senator Watson: Memorial resolution for Lemuel Franklin Hunter.

S. R. No. 377—By Senator Watson: Memorial resolution for Mrs. Ben Dean.

S. R. No. 378—By Senator Watson: Memorial resolution for Mrs. D. A. (Irene) Brown.

S. R. No. 379—By Senator Watson: Memorial resolution for Otto L. Huber.

S. R. No. 380—By Senator Watson: Memorial resolution for Robert Glenn Brown.

S. R. No. 381—By Senator Watson: Memorial resolution for Thomas A. Boroughs.

S. R. No. 382—By Senator Watson: Memorial resolution for Roy Upton.

S. R. No. 383—By Senator Watson: Memorial resolution for B. F. Johnson.

S. R. No. 384—By Senator Watson: Memorial resolution for Edgar L. Moore.

### Welcome and Congratulatory Resolutions

S. R. No. 363—By Senator Moore: Commending Miss Beth Beto for her interest in State government.

S. R. No. 364—By Senator Aikin: Extending welcome to Mrs. Genie Farris, et al.

S. R. No. 368—By Senator Herring: Extending welcome to teachers and students of Sixth Grade, Walnut Creek Elementary School.

S. R. No. 369—By Senators Bridges and Herring: Extending welcome to University of Texas Government Discussion Group and sponsor, Armando Gutierrez.

S. R. No. 370—By Senator Watson: Extending welcome to Dave Simons, et al.

S. R. No. 371—By Senator Watson: Extending welcome to John B. Daniel.

S. R. No. 385—By Senator Watson: Extending welcome to Dr. Melvin Garrett.

### Adjournment

On motion of Senator Aikin the Senate at 12:06 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

### TWENTY-SECOND DAY

(Wednesday, February 17, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace

Watson  
Wilson

Word

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Reports of Standing Committees

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. B. No. 112.

S. B. No. 99 (Amended.)

S. B. No. 87.

S. B. No. 174.

S. B. No. 71.

S. B. No. 38.

S. B. No. 18.

S. B. No. 175 (Amended.)

S. B. No. 176 (Amended.)

Senator Jordan submitted the following report for the Committee on Labor and Management Relations:

S. B. No. 303.

Senator Kennard submitted the following report for the Committee on Public Health:

C. S. S. B. No. 27 (Read first time.)

### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
February 17, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 2, A bill to be entitled "An Act relating to defining the jurisdiction of the County Court of Johnson County and the jurisdiction of the District Court of Johnson County, relating to prescribing the duties of the District Clerk and the County Attorney of Johnson County; amending